In the High Court of Uttaranchal, at Nainital.

Writ Petition No. 372 of 2004(S/B)

Mahendra Singh S/o Ganpat Singh
R/o II Construction Division,
Uttaranchal Pey Jal Nigam,
New Tehri .... Petitioner.

Vs.

1. Uttaranchal Pey Jal through its Managing Director, Dehradun Uttaranchal.

2. The Managing Director, Uttaranchal Sansadhan Vikas and Nirman Nigam, Dehradun.

3. U.P. Jal Nigam through its Managing Director, 6- Rana Pratap Marg, Lucknow ....Respondents.

Sri S.S. Chauhan, learned counsel for the petitioner.
Sri D.S. Patni, learned counsel for respondents 1&2.

Date: 29th November, 2004.

Coram: Hon'ble Mr. Justice Irshad Hussain, J.
Hon'ble Mr. Justice B.S. Verma, J.

P.C.:

Heard Sri S.S. Chauhan, learned counsel for the petitioner and Sri D.S. Patni, learned counsel for the respondent nos. 1 and 2.

2- On facts and law the case is covered by the decision of the Division Bench of this Court passed on 5.10.2001 in W.P.No. 860(S/B) of 2001 (Annexure-6). Therefore, the writ petition is disposed of in the following terms:-

If the petitioner had exercised his option prior to the enforcement of Hill Sub Cadre Regulations 1998 and his option could have been proceeded with as it was not exercised in pursuance of the circular issued on 20-1-1999, Jal Nigam is directed to consider the case of the petitioner treating him as absorbed in Jal Nigam and to accord him Hill Sub Cadre, giving him all the consequential benefits thereof.

(B.S.Verma, J.) **(Irshad Hussain, J.)**

ISB